DETAILED ACTION

1.   Claims 1-36 and 64-83 are pending in this application.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made

in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   **Claims 1, 7-9, 13, 19-21, 25, and 31-33 are rejected under 35**

U.S.C. 102(e) as being anticipated by Sahai et al. (US Patent #

6,594,699, hereinafter Sahai).

4.   With respect to claims 1, 13, and 25, Sahai discloses a system for

providing content to a client system, the system comprising: an assessment

system that obtains from the client system currently occurring content

presentation environment information associated with the client system, wherein

the content presentation environment information is based on a current operating

environment evaluation of the client system performed by an evaluating system

to obtain, from the client system, the currently occurring content presentation

environment information at a time of a request for the content from the client

system (col. 3, lines 5-22); and a content processing system that selects one of a plurality of versions of the content to send the client system using obtained content presentation environment information (col. 6, lines 12-22).

5.   With respect to claims 7, 19, and 31, it is rejected as the same reasons as claims above. In addition, Sahai discloses wherein the content presentation environment information is stored at a location accessible to the client system (col. 3, lines 61-67, col. 4, lines 1-8, col. 5, lines 8-21).

6.   With respect to claims 8, 20, and 32, it is rejected as the same reasons as claims above. Egli discloses wherein the assessment system determines whether stored content presentation environment information is available for retrieval from the client system ([0059], lines 14-21, it is comparing to known device characteristic and capabilities), wherein the evaluation system evaluates the operating environment of the client system to obtain the content presentation environment information if the stored content presentation environment information is determined to be unavailable ([0066], lines 1-10, [0069], lines 11-15, client capabilities module (CCM) log 323 includes a record of any client devices that could not be identified or for which capabilities are not available).

In addition, Sahai discloses wherein the assessment system determines whether stored content presentation environment information is available for retrieval from the client system, wherein the evaluation system evaluates the operating environment of the client system to obtain the content presentation

environment information if the stored content presentation environment

information is determined to be unavailable (col. 3, lines 61-67, col. 4, lines 1-8,

col. 5, lines 8-21).

7.   With respect to claims 9, 21, and 33 it is rejected as the same reasons as

claims above. In addition, Sahai discloses wherein the assessment system

stores the obtained content presentation environment information at a location

accessible to the client system.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

9.   **Claims 1-2, 7-9, 10-14, 19-21, 22-26, 31-33, 34-36 are rejected under 35**

U.S.C. 103(a) as being unpatentable over Egli et al. (Pub # US 2003/0110234

A1, hereinafter Egli) in view of Sahai.

10.   With respect to claims 1, 13, and 25, Egli discloses a system for providing

content to a client system, the system comprising ([0058], lines 4-7): an

assessment system that obtains content presentation environment information

associated with the client system ([0066], lines 1-4, [0068], lines 17-20), wherein

the content presentation environment information is based on an operating

environment evaluation of the client system performed by an evaluation system

([0058], lines 7-12); and a content processing system that selects one of a

plurality of versions of the content to send the client system using the obtained

content presentation environment information ([0060], lines 1-6) but does not

clearly disclose an assessment system that obtains from the client system

currently occurring content presentation environment information associated with

the client system, wherein the content presentation environment information is

based on a current operating environment evaluation of the client system

performed by an evaluating system to obtain, from the client system, the

currently occurring content presentation environment information at a time of a

request for the content from the client system.

In the same field of endeavor, Sahai discloses an assessment system that

obtains from the client system currently occurring content presentation

environment information associated with the client system, wherein the content

presentation environment information is based on a current operating

environment evaluation of the client system performed by an evaluating system

to obtain, from the client system, the currently occurring content presentation

environment information at a time of a request for the content from the client

system (col. 3, lines 5-22); and a content processing system that selects one of a

plurality of versions of the content to send the client system using obtained

content presentation environment information (coo. 6, lines 12-22). Egli and

Sahai are analogous are because they disclose knowing what the client

capabilities are before sending a file to the computer.

Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the invention was made to incorporate the teachings of Egli with

an assessment system that obtains from the client system, content presentation

environment information associated with the client system, wherein the content

presentation environment information is based on an operating environment

evaluation of the client system performed by an evaluating system to obtain, from

the client system, the content environment information at a time of a request for

the content from the client system as disclosed in Sahai in order to determine

what the exact capabilities of the device are directly. One of ordinary skill would

have been motivated to incorporate the teachings with one another to establish a

more efficient system by being able to find the most current information about the

system so a most correct file can be sent/transferred.

11.   With respect to claims 2, 14, and 26, it is rejected for the same reasons as

claim 1 above. Egli discloses wherein the obtained content presentation

environment information comprises a second identifier for a content transfer rate

associated with the client system ([0102], lines 1-7, [0103], lines 5-8, client

capabilities are defined inside the content-type tag by one or more capability

tags). In addition, Sahai discloses a first identifier for a content presentation

application associated with the client system (col. 3, lines 24-60).

12.   With respect to claims 7, 19, and 31, it is rejected as the same reasons as claims above. In addition, Sahai discloses wherein the content presentation environment information is stored at a location accessible to the client system (col. 3, lines 61-67, col. 4, lines 1-8, col. 5, lines 8-21).

13.   With respect to claims 8, 20, and 32, it is rejected as the same reasons as claims above. Egli discloses wherein the assessment system determines whether stored content presentation environment information is available for retrieval from the client system ([0059], lines 14-21, it is comparing to known device characteristic and capabilities), wherein the evaluation system evaluates the operating environment of the client system to obtain the content presentation environment information if the stored content presentation environment information is determined to be unavailable ([0066], lines 1-10, [0069], lines 11-15, client capabilities module (CCM) log 323 includes a record of any client devices that could not be identified or for which capabilities are not available).

In addition, Sahai discloses wherein the assessment system determines whether stored content presentation environment information is available for retrieval from the client system, wherein the evaluation system evaluates the operating environment of the client system to obtain the content presentation environment information if the stored content presentation environment information is determined to be unavailable (col. 3, lines 61-67, col. 4, lines 1-8, col. 5, lines 8-21).

14.   With respect to claims 9, 21, and 33 it is rejected as the same reasons as claims above. In addition, Sahai discloses wherein the assessment system stores the obtained content presentation environment information at a location accessible to the client system.

15.   With respect to claims 10, 22, and 34, Egli discloses a content delivery system that sends the selected content to the client system in response to a request from the client system, wherein neither the assessment system, the evaluation system, the content processing system, nor the content delivery system request any additional information from the client system ([0068], lines 10-20, it requires information from the data store and not the client system itself).

16.   With respect to claims 11, 23, and 35, Egli discloses the content delivery system sends the selected content at a content transfer rate that the selected content is formatted to be sent at ([0102], lines 1-7, [0107], lines 1-4, lines 15-18).

17.   With respect to claim 12, 24, and 36, Egli discloses the content comprises at least one of video content, audio content, hypertext content and document content ([0065], lines 1-6).

18.   With respect to claims 64, 70, and 77, Egli discloses, wherein the request comprises a user agent string ([0096], [0100]).

19.   With respect to claims 65, 71, and 78, Egli discloses wherein the selected one of a plurality of versions are retrieved from a server memory associated with the system ([0060]).

20.   With respect to claims 76 and 83, Egli discloses wherein the determining comprises interpreting a script embedded in a code embodying the content, and replacing the script with another script for displaying the content ([0031]).

21.   Claims 3-6, 15-18, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egli in view of Sahai as applied to claims 1, 13, and 25 in view of Hurwitz (US Patent # 6,256,669 B1, hereinafter Hurwitz) and in further view of Hamalainen et al. (US Patent # 6,072,787, hereinafter Hama).

22.   With respect to claims 3, 15, and 27, it is rejected for the same reasons above. Egli discloses the evaluation system performs the operating environment evaluation of the client system by determining at least one or more types or versions of one or more Web browsers associated with the client system ([0075], lines 1-8), one or more types or versions of one or more content presentation applications associated with the client system ([0064], lines 1-7, [0093], lines 1-

9), and one or more types or versions of one or more operating systems

associated with the client system ([0005], lines 14-17, [0059], lines 19-21, PDA

loaded with Palm is a different operating system than a PDA with Windows CE).

In addition, Sahai discloses wherein the evaluation system performs the

operating environment evaluation of the client system by determining one or

more types or versions of one or more content presentation applications

associated with the client system, and one or more types or versions of one or

more operating systems associated with the client system (col. 3, lines 23-60).

However, Egli and Sahai do not disclose one of a current content transfer

rate for the client system.

In the same field of endeavor, Hurwitz discloses one of a current content

transfer rate for the client system (summary of the invention, column 2, lines 14-

23).

Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the invention was made to incorporate the teachings of Egli and

Sahai with one of a current content transfer rate for the client system as

disclosed in Hurwitz in order to have the capability to determine the bandwidth

available (column 2, lines 7-9). One of ordinary skill in the art would have been

motivated to incorporate the teachings with one another to establish a more

efficient system by being able determine the amount of the data received within a

pre-selected period of time.

However, Egli, Sahai, and Hurwitz do not clearly disclose determining two

or more of a current content transfer rate for the client system.

In the same field of endeavor, Hama discloses two or more of a current content transfer rate for the client system (col. 3, lines 5-35).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Egli, Sahai, and Hurwitz with two or more of a current content transfer rate for the client system as disclosed in Hama in order to determine the desired grade of service the mobile station is capable of being used and to ensure the continuity of data transfer. One of ordinary skill in the art would have been motivated to incorporate the teachings with one another to establish a more efficient system by determining the minimum transfer rate allowed and determining what grade of service is being provided.

23.   With respect to claims 4, 16, and 28, it is rejected for the same reasons as claim 3 above. In addition, Hurwitz discloses the evaluation system determines the current content transfer rate for the client system by sending an operation execution request to the client system (summary of the invention, Column 2, lines 14-23) and calculating an amount of time taken by the client system to perform an operation associated with the operation execution request (column 4, lines 41-50), wherein the amount of time is measured from when the operation execution request is sent until the evaluation system is notified that the client system completed performing the operation (summary of the invention, column 2, lines 14-23, column 4, lines 46-50).

24.   With respect to claims 5, 17, and 29, it is rejected for the same reasons as

claim 3 above. In addition, Hurwitz discloses the operation comprises rendering

an image transmitted from the evaluation system to the client system (column 4,

lines 51-57, lines 63-66).

25.   With respect to claims 6, 18, and 30, Egli discloses wherein the one or

more types of content presentation applications comprise at least one of a video

presentation application, an audio presentation application, a hypertext document

presentation application, and a document processing application ([0065], lines 1-

6).

26.   **Claims 66-67, 72-73, and 79-80 are rejected under 35 U.S.C. 103(a) as**

being unpatentable over Egli in view of Sahai as applied to claims 1, 13,

and 25 and in further view of Kumar (US Pub # 2003/0182195, hereinafter

Kumar).

27.   With respect to claims 66, 72, and 79, Egli and Sahai do not clearly

disclose wherein the operating environment information evaluation comprises a

determination of whether a cookie file is stored at the client system.

    In the same field of endeavor, Kumar discloses wherein the operating

environment information evaluation comprises a determination of whether a

cookie file is stored at the client system ([0041], lines 25-32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Egli and Sahai with wherein the operating environment information evaluation comprises a determination of whether a cookie file is stored at the client system as disclosed in Kumar in order to be able to know the capability of the portable device. One of ordinary skill in the art would have been motivated to incorporate the teachings with one another to establish a more efficient system so the device does not have to send out the same information again.

28.   With respect to claims 67, 73, and 80, it is rejected for the same reasons as claim 66, 72, and 79 above. In addition, Kumar discloses wherein the cookie file is retrieved, if stored at the client system, for subsequent requests for additional content from the client system ([0041], lines 25-32)

29.   **Claims 68, 74, and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egli in view of Sahai and in further view of Kumar and in further view of Greene et al (US Pub # 2002/0143861, hereinafter Greene).**

30.   With respect to claim 68, Egli and Sahai do not clearly disclose wherein the cookie file comprises information related to changing an operating environment information.

In the same field of endeavor, Greene discloses wherein the cookie file comprises information related to changing an operating environment information ([0053]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Egli and Sahai with wherein the cookie file comprises information related to changing an operating environment information as disclosed in Greene in order to be able to determine whether a modification to the information is needed. One of ordinary skill in the art would have been motivated to incorporate the teachings with one another to establish a more efficient system since cookies are commonly used with web sites to identify numerous information about a client, client systems, authorization, etc.

31.   With respect to claims 74 and 81, Egli and Sahai do not clearly disclose optionally changing an operating environment information based on the retrieved cookie file.

In the same field of endeavor, Greene discloses optionally changing an operating environment information based on the retrieved cookie file ([0053]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Egli and Sahai with optionally changing an operating environment information based on the retrieved cookie file as disclosed in Greene in order to be able to determine whether a modification to the information is needed. One of ordinary skill in the

art would have been motivated to incorporate the teachings with one another to

establish a more efficient system since cookies are commonly used with web

sites to identify numerous information about a client, client systems,

authorization, etc.

32.   **Claims 69, 75, and 82 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Egli in view of Sahai and in further view of Risan et al

(US Pub # 2005/0169467, hereinafter Risan).

33.   With respect to claims 69, 75, and 82, Egli and Sahai do not disclose

clearly wherein the obtained content presentation environment information

comprises a Boolean value of indicative of an audio player or a video player

stored on the client system.

        In the same field of endeavor, Risan discloses wherein the obtained

content presentation environment information comprises a Boolean value of

indicative of an audio player or a video player stored on the client system ([0307],

Boolean is the base of all modern digital electronics).

        Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the invention was made to modify the teachings of Egli and Sahai

with wherein the obtained content presentation environment information

comprises a Boolean value of indicative of an audio player or a video player

stored on the client system as disclosed in Risan in order to detect if a media

player is present or not. One of ordinary skill in the art would have been

motivated to incorporate the teachings with one another to establish a more

efficient system so the system will know if the installation of a media player is

necessary.

Response to Arguments

34.   Applicant's arguments with respect to claims 1-36, and 64-83 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

35.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as

set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

36.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to HO SHIU whose telephone number is

(571)270-3810. The examiner can normally be reached on Mon-Thur (8:30am -

4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

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free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

HTS   Ho Ting Shiu
04/13/2010   Patent Examiner
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